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DURHAM NC 27707

MAILED

SEP 14 2010

OFFICE OF PETITIONS

In re Patent No. 7,701,925
Issued: April 20, 2010
Application No. 09/627,253
Filed: July 28, 2000
Attorney Docket No. 1322/40/2

: LETTER REGARDING
: PATENT TERM ADJUSTMENT
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This is a decision on the "PETITION AND RESPONSE TO REQUEST FOR RECALCULATION" filed on May 19, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected from 1635 days to 1689 days.

The request for review of the patent term adjustment is **DISMISSED**.

Patentees are given **THIRTY (30) DAYS or ONE (1) MONTH, whichever is longer**, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

The calculations have been reviewed and the patent term adjustment indicated in the patent is properly reflected.

It is undisputed that the "A delay" is 581 days and that the Applicant delay is 643 days. However, it appears that Applicants have miscalculated the total Patent Term Adjustment. The over three year period consumed by appellate review accounts for a total of 619 days, are not included in the B delay. See 35 U.S.C. § 154(b)(1)(B)(ii), thus the overlap is 142 days. As such, the patent term adjustment is 1635 days (581 "A delay" + 1697 "B delay"(2458 -619 appellate review - 142 overlap) minus 643 Applicant delay days), not 1689 days.

The Office acknowledges the previously filed submission of the \$200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3212.

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